

Judgment of the Court (Fifth Chamber) of 31 May 2018 (request for a preliminary ruling from the Tribunale amministrativo regionale per il Lazio — Italy) — Confederazione Generale Italiana dei Trasporti e della Logistica (Confetra) (C-259/16), Associazione Nazionale Imprese Trasporti Automobilistici (C-259/16), Fercam SpA (C-259/16), Associazione non Riconosciuta Alsea (C-259/16), Associazione Fedit (C-259/16), Carioni Spedizioni Internazionali Srl (C-259/16), Federazione Nazionale delle Imprese di Spedizioni Internazionali — Fedespedi (C-259/16), Tnt Global Express SpA (C-259/16), Associazione Italiana dei Corrieri Aerei Internazionali (AICAI) (C-260/16), DHL Express (Italy) Srl (C-260/16), Federal Express Europe Inc. (C-260/16), United Parcel Service Italia Ups Srl (C-260/16) v Autorità per le Garanzie nelle Comunicazioni, Ministero dello Sviluppo Economico

(Joined Cases C-259/16 and C-260/16) ⁽¹⁾

(Reference for a preliminary ruling — Postal services in the European Union — Directive 97/67/EC — Articles 2, 7 and 9 — Directive 2008/6/EC — Definition of ‘postal service provider’ — Haulage, freight-forwarding and express mail undertakings providing services involving the clearance, sorting, transport and distribution of postal items — Authorisation required for the provision of postal services to the public — Contribution to the costs of providing universal service)

(2018/C 259/03)

Language of the case: Italian

Referring court

Tribunale amministrativo regionale per il Lazio

Parties to the main proceedings

Applicants: Confederazione Generale Italiana dei Trasporti e della Logistica (Confetra) (C-259/16), Associazione Nazionale Imprese Trasporti Automobilistici (C-259/16), Fercam SpA (C-259/16), Associazione non Riconosciuta Alsea (C-259/16), Associazione Fedit (C-259/16), Carioni Spedizioni Internazionali Srl (C-259/16), Federazione Nazionale delle Imprese di Spedizioni Internazionali — Fedespedi (C-259/16), Tnt Global Express SpA (C-259/16), Associazione Italiana dei Corrieri Aerei Internazionali (AICAI) (C-260/16), DHL Express (Italy) Srl (C-260/16), Federal Express Europe Inc. (C-260/16), United Parcel Service Italia Ups Srl (C-260/16)

Defendants: Autorità per le Garanzie nelle Comunicazioni, Ministero dello Sviluppo Economico

Intervening party: Poste Italiane SpA (C-260/16)

Operative part of the judgment

1. Article 2(1), (1a) and (6) of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service, as amended by Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008, is to be interpreted as not precluding national legislation, such as that at issue in the main proceedings, under which haulage, freight-forwarding and express mail undertakings providing services involving the clearance, sorting, transport and distribution of postal items constitute, except where their business is limited to the transport of postal items, postal service providers within the meaning of Article 2(1a) of the directive.
2. Articles 2(19) and 9(1) of Directive 97/67, as amended by Directive 2008/6, are to be interpreted as not precluding national legislation, such as that at issue in the main proceedings, which requires all undertakings providing haulage, freight-forwarding and express mail services to hold a general authorisation for the provision of postal services, provided that such legislation is justified by one of the essential requirements set out in Article 2(19) of the directive and has due regard for the principle of proportionality, in that it is appropriate for the purpose of ensuring the attainment of the objective pursued and does not go beyond what is necessary to attain it, which is a matter for the referring court to verify.

3. Articles 7(4) and 9(2) of Directive 97/67, as amended by Directive 2008/6, are to be interpreted as not precluding national legislation, such as that at issue in the main proceedings, which requires holders of a general authorisation for the provision of postal services to contribute to a compensation fund for universal service obligations, where, from a user's perspective, those services may be regarded as falling within the scope of the universal service as they display inter-changeability to a sufficient degree with the universal service.

⁽¹⁾ OJ C 343, 19.6.2016.

Judgment of the Court (Third Chamber) of 30 May 2018 (request for a preliminary ruling from the Tribunale di Novara — Italy) — Bruno Dell'Acqua v Eurocom Srl, Regione Lombardia

(Case C-370/16) ⁽¹⁾

(Reference for a preliminary ruling — Privileges and immunities of the European Union — Protocol No 7 — Article 1 — Whether or not prior authorisation from the Court is necessary — Structural Funds — EU financial assistance — Attachment proceedings against a national authority to attach sums deriving from that assistance)

(2018/C 259/04)

Language of the case: Italian

Referring court

Tribunale di Novara

Parties to the main proceedings

Applicant: Bruno Dell'Acqua

Defendant: Eurocom Srl, Regione Lombardia

Intervening parties: Renato Quattrocchi, Antonella Pozzoli, Loris Lucini, Diego Chierici, Nicoletta Malaraggia, Elio Zonca, Sonia Fusi, Danilo Cattaneo, Alberto Terraneo, Luigi Luzzi

Operative part of the judgment

The last sentence of Article 1 of Protocol (No 7) on the Privileges and Immunities of the European Union must be interpreted as meaning that prior authorisation from the Court is not necessary when a third party initiates attachment proceedings seeking to attach a claim against a Member State body that owes a corresponding debt to the debtor of the third party where that debtor is a beneficiary of funds granted for the purpose of implementing projects co-financed by the European Social Fund.

⁽¹⁾ OJ C 383, 17.10.2016.